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## Attorneys for Chandra Greco-Rambo

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

Chandra Greco-Rambo,  
Plaintiff  
v.  
Professional Collection Consultants,  
a Corporation; Scott D. Wu, Esq., an  
individual,  
Defendants.

**Case Number: '11CV0917 JLS NLS**

**Complaint For Damages**

**Jury Trial Demanded**

## INTRODUCTION

1. The United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy. Congress wrote the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (hereinafter “FDCPA”), to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt

- 1 collection practices are not competitively disadvantaged, and to promote  
2 consistent State action to protect consumers against debt collection abuses.
- 3 2. The California legislature has determined that the banking and credit system  
4 and grantors of credit to consumers are dependent upon the collection of just  
5 and owing debts and that unfair or deceptive collection practices undermine  
6 the public confidence that is essential to the continued functioning of the  
7 banking and credit system and sound extensions of credit to consumers. The  
8 Legislature has further determined that there is a need to ensure that debt  
9 collectors exercise this responsibility with fairness, honesty and due regard  
10 for the debtor's rights and that debt collectors must be prohibited from  
11 engaging in unfair or deceptive acts or practices.
- 12 3. Chandra Greco-Rambo, ("Plaintiff"), through Plaintiff's attorneys, brings this  
13 action to challenge the actions of Professional Collection Consultants  
14 (hereinafter "Defendant PCC"), and Scott D. Wu, Esq. (hereinafter  
15 "Defendant Wu"), with regard to attempts by Defendants to unlawfully and  
16 abusively collect a debt allegedly owed by Plaintiff, and this conduct caused  
17 Plaintiff damages.
- 18 4. Plaintiff makes these allegations on information and belief, with the exception  
19 of those allegations that pertain to a plaintiff, or to a plaintiff's counsel, which  
20 Plaintiff alleges on personal knowledge.
- 21 5. While many violations are described below with specificity, this Complaint  
22 alleges violations of the statutes cited in their entirety.
- 23 6. Unless otherwise stated, all the conduct engaged in by Defendants took place  
24 in California.
- 25 7. Any violations by Defendants were knowing, willful, and intentional, and  
26 Defendants did not maintain procedures reasonably adapted to avoid any such  
27 violation.

28     ///

8. Any and all violations alleged against Defendant Wu are imputed to Defendant PCC under the theory of vicarious liability, because the actions undertaken by Defendant Wu were an attempt to collect the alleged debt by an attorney on behalf of Defendant PCC.

9. All violations alleged under the FDCPA are alleged against all named Defendants.

10. All violations alleged under the Rosenthal Act are alleged against Defendant PCC only.

## JURISDICTION AND VENUE

11. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331, 15 U.S.C. § 1692(k), and 28 U.S.C. § 1367 for supplemental state claims.

12. This action arises out of Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. ("FDCPA") and the Rosenthal Fair Debt Collection Practices Act, California Civil Code §§ 1788-1788.32 ("Rosenthal Act").

13. Because Defendants do business within the State of California, personal jurisdiction is established.

<sup>14</sup> Venue is proper pursuant to 28 U.S.C. § 1391.

15. At all times relevant, Defendants conducted business within the State of California

## PARTIES

16. Plaintiff is a natural person who resides in the City of Imperial Beach, State of California

17 Defendants regularly conduct business within the State of California

18. Plaintiff is obligated or allegedly obligated to pay a debt, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

19. Defendants are persons who use an instrumentality of interstate commerce or the mails in a business the principal purpose of which is the collection of

- 1 debts, or who regularly collect or attempt to collect, directly or indirectly,  
2 debts owed or due or asserted to be owed or due another and are therefore  
3 debt collectors as that phrase is defined by 15 U.S.C. § 1692a(6).
- 4 20. Plaintiff is a natural person from whom a debt collector sought to collect a  
5 consumer debt which was due and owing or alleged to be due and owing from  
6 Plaintiff, and is a “debtor” as that term is defined by California Civil Code §  
7 1788.2(h).
- 8 21. Defendants, in the ordinary course of business, regularly, on behalf of  
9 themselves, or others, engage in debt collection as that term is defined by  
10 California Civil Code § 1788.2(b), are therefore debt collectors as that term is  
11 defined by California Civil Code § 1788.2(c).
- 12 22. This case involves money, property or their equivalent, due or owing or  
13 alleged to be due or owing from a natural person by reason of a consumer  
14 credit transaction. As such, this action arises out of a consumer debt and  
15 “consumer credit” as those terms are defined by Cal. Civ. Code § 1788.2(f).

16 **FACTUAL ALLEGATIONS**

- 17 23. Sometime before November 4, 2009, Plaintiff is alleged to have incurred  
18 certain financial obligations.
- 19 24. These financial obligations were primarily for personal, family or household  
20 purposes and are therefore a “debt” as that term is defined by 15 U.S.C.  
21 §1692a(5).
- 22 25. These alleged obligations were money, property, or their equivalent, which is  
23 due or owing, or alleged to be due or owing, from a natural person to another  
24 person and are therefore a “debt” as that term is defined by California Civil  
25 Code §1788.2(d), and a “consumer debt” as that term is defined by California  
26 Civil Code §1788.2(f).

- 1       26. Sometime thereafter, but before November 4, 2009, Plaintiff allegedly fell  
2       behind in the payments allegedly owed on the alleged debt. Plaintiff currently  
3       takes no position as to the validity of this alleged debt.
- 4       27. Subsequently, but before November 4, 2009, the alleged debt was assigned,  
5       placed, or otherwise transferred, to Defendant PCC for collection.
- 6       28. On or about November 4, 2009, Defendant PCC, through its counsel  
7       Defendant Wu, filed a lawsuit against Plaintiff for the alleged debt in the  
8       County of San Diego, State of California, court case number  
9       37-2009-00070541-CL-R3-EC.
- 10      29. Plaintiff was allegedly served with the summons and complaint for the state  
11     court action at 1257 10th Street in Ramona, California.
- 12      30. Plaintiff in fact did not reside at the 10th Street address at the time of alleged  
13     service, and had moved to a different residence five months prior to the  
14     alleged service date.
- 15      31. Furthermore, at the time of alleged service in the state court action, the  
16     residence where service was allegedly made was a foreclosed property which  
17     was locked and boarded up.
- 18      32. On or about February 9, 2010 Defendant PCC, through Defendant Wu,  
19     obtained a default judgment against Plaintiff in the state court action, even  
20     though Defendants knew Plaintiff was never properly served at the 10th Street  
21     address.
- 22      33. This attempt to collect the alleged debt and subsequent collection activities  
23     were by means of judicial proceedings when the debt collector, Defendants,  
24     knew that service of process on Plaintiff, which was essential to gain  
25     jurisdiction over Plaintiff, had not been legally effected, and therefore  
26     violated Cal. Civ. Code § 1788.15(a).
- 27      34. Through this conduct, Defendant PCC, through Defendant Wu, used a false,  
28     deceptive, or misleading representation or means in connection with the

- 1 collection of a debt. Consequently, Defendants PCC and Wu violated 15  
2 U.S.C. § 1692e and 15 U.S.C. § 1692e(10).
- 3 35. Because this violated certain portions of the federal Fair Debt Collection  
4 Practices Act as these portions are incorporated by reference in the Rosenthal  
5 Fair Debt Collection Practices Act, through California Civil Code § 1788.17,  
6 this conduct or omission violated Cal. Civ. Code § 1788.17.
- 7 36. Through this conduct, Defendant PCC, through Defendant Wu, used an unfair  
8 or unconscionable means to collect or attempt to collect a debt.  
9 Consequently, Defendants PCC and Wu violated 15 U.S.C. § 1692f.
- 10 37. Because this violated certain portions of the federal Fair Debt Collection  
11 Practices Act as these portions are incorporated by reference in the Rosenthal  
12 Fair Debt Collection Practices Act, through California Civil Code § 1788.17,  
13 this conduct or omission violated Cal. Civ. Code § 1788.17.
- 14 38. Plaintiff was completely unaware of any action against her regarding the  
15 underlying debt until December 2010 when her employer notified her of a  
16 wage garnishment due to the state court judgment.
- 17 39. As soon as she was notified of the state court action, Plaintiff immediately  
18 sought counsel to represent her interests in that matter, and retained current  
19 counsel to pursue a set aside of the state court default and default judgment.
- 20 40. Plaintiff, through counsel, was able to successfully set aside the default  
21 judgment in the state court action on March 11, 2011.
- 22 41. Due to Defendants' actions Plaintiff suffered actual damages in the form of  
23 mental anguish including but not limited to: nervousness, stress, anxiety,  
24 sadness, irritability, restlessness, and embarrassment, all impacting her  
25 personal relationships.
- 26 42. Due to Defendants' actions Plaintiff suffered further actual damages in the  
27 form of attorneys fees and costs incurred in setting aside the improper default  
28 and default judgment in the state court action.

## **CAUSES OF ACTION**

## COUNT I

## **AS TO ALL NAMED DEFENDANTS**

# FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)

**15 U.S.C. §§ 1692 ET SEQ.**

43. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.
  44. The foregoing acts and omissions constitute numerous and multiple violations of the FDCPA, including but not limited to each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.
  45. As a result of each and every violation of the FDCPA, Plaintiff is entitled to any actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from each and every defendant, jointly and severally.

## COUNT III

## **AS TO DEFENDANT PCC**

## **ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT (ROSENTHAL ACT)**

## CAL. CIV. CODE §§ 1788-1788.32

46. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.
  47. The foregoing acts and omissions constitute numerous and multiple violations of the Rosenthal Act, including but not limited to each and every one of the above-cited provisions of the Rosenthal Act, Cal. Civ. Code §§ 1788-1788.32
  48. As a result of each and every violation of the Rosenthal Act, Plaintiff is entitled to any actual damages pursuant to Cal. Civ. Code § 1788.30(a); statutory damages for a knowing or willful violation in the amount up to

1 \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b); and reasonable attorney's  
2 fees and costs pursuant to Cal. Civ. Code § 1788.30(c) from Defendant PCC.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff prays that judgment be entered against Defendant PCC  
5 and Plaintiff be awarded damages from Defendant PCC, as follows:

- 6     • An award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1);  
7     • An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §  
8         1692k(a)(2)(A);  
9     • An award of costs of litigation and reasonable attorney's fees, pursuant  
10         to 15 U.S.C. § 1692k(a)(3);  
11     • An award of actual damages pursuant to California Civil Code §  
12         1788.30(a);  
13     • An award of statutory damages of \$1,000.00 pursuant to Cal. Civ. Code  
14         § 1788.30(b); and  
15     • An award of costs of litigation and reasonable attorney's fees, pursuant  
16         to Cal. Civ. Code § 1788.30(c).

17 WHEREFORE, Plaintiff prays that judgment be entered against Defendant Wu, and  
18 Plaintiff be awarded damages from Defendant Wu , as follows:

- 19     • An award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1);  
20     • An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §  
21         1692k(a)(2)(A); and  
22     • An award of costs of litigation and reasonable attorney's fees, pursuant  
23         to 15 U.S.C. § 1692k(a)(3).

24     ///

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28     ///

HYDE & SWIGART  
Riverside, California

49. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Respectfully submitted,

Hyde & Swigart

Date: April 29, 2011

By: /s/ Andrea Darrow Smith  
E-mail: andrea@westcoastlitigation.com  
Attorneys for Plaintiff

**HYDE & SWIGART**  
Riverside, California

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Chandra Greco-Rambo

(b) County of Residence of First Listed Plaintiff San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
Hyde & Swigart (951) 784-7770  
4129 Main Street, Suite B8 Riverside, CA 92501

**DEFENDANTS**

Professional Collection Consultants, a corporation; Scott D. Wu, Esq., an individual

County of Residence of First Listed Defendant Los Angeles  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**'11CV0917 JLS NLS****II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |  |   |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III) |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | Citizen of This State      | PTF                        | DEF   | Citizen of Another State   | PTF                        | DEF   |
|----------------------------|----------------------------|---|----------------------------|----------------------------|---|
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State |
|                            |                            |   | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  |
|                            |                            |   | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |   |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>REAL PROPERTY</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**V. ORIGIN**

(Place an "X" in One Box Only)

- |   |   |  |   |  |   |  |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

**15 U.S.C. § 1692 et seq. (FDCPA)**

Brief description of cause:

Unfair Debt Collection Practices

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION      DEMAND \$  
UNDER F.R.C.P. 23    75,001.00

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No**VIII. RELATED CASE(S)**

IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

04/29/2011

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE